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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,349	04/02/2001	Yasuhisa Fujiwara	108198	1734

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/822,349	Applicant(s) FUJIWARA, YASUHISA	
	Examiner Janice A. Mooneyham	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on April 27, 2006, wherein:

Claims 1-12, and 18-21 are currently pending;

Claims 1-2, 4-8, 11, and 18-21 have been amended;

Claims 13-17 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (5,948,040) (hereinafter referred to as DeLorme) in view of Lynch et al (6,018,715) (hereinafter referred to as Lynch).

Referring to Claims 1, 11-12, and 18-21:

DeLorme discloses method and system for providing user terminals with travel information, comprising:

storing in a memory information on registered members, purchase records of the registered members, and information on locations (Places) (Figure 4 (411, 417, 419, 415), Figure 8A (806) User/Member List), Figure 8B (842) (Client (Registered Member/User) (852) (User/Member Registration));

receiving at a terminal with an input/output interface a member ID (Figure 1A) (111); col. 13, lines 31-34; col. 17, lines 14-27)); and

preparing travel information at a controller coupled to the memory and interface, wherein the controller confirms the registered member based on the received member ID and prepares travel/route information based on the information input by the registered user (Figure 8A (814); col. 17, lines 14-27; col. 37, lines 7-30; col. 46, lines 17-25 and lines 33-44; col. 60, line 38 thru col. 61, line 25).

While DeLorme discloses an invention with the capability to produce customized or individualized outputs that reflect and record selective usage of the TRIPS invention by different individuals (col. 11, lines 25-30) and kiosk information terminals linked to a central terminal (col. 14, line 66 thru col. 15, line 1), wherein the central service bureau can dispense TRIPS services via one or more distributed travel information kiosk terminals (col. 15, lines 22-24), Delorme does not explicitly disclose that the memory stores information as to the locations of the kiosk or that the kiosk are installed adjacent to a route or that purchase records of the user are stored in the memory and the travel/route information is base on the purchase records in combination with the information input by the registered user.

However, Lynch discloses a travel system that automatically retrieves and considers the traveler portfolio information from traveler portfolio 18 in database 14 in the process of determining a recommended travel plan, wherein the traveler portfolio information includes the air carriers, automobile rental agencies, or hotels preferred by the traveler, frequent flier or renter programs in which the traveler participates, and the

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traveler's seating and/or smoking preferences (col. 3, lines 39-48, col. 5, line 63 thru col. 6, line 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel reservation system of DeLorme the traveler portfolio information to be used along with the user input to determine a recommended travel plan as taught in Lynch so as to generate a more satisfactory travel plan by balancing the retrieved traveler portfolio information and the received travel request information wherein the derived travel plan can be used as a guideline to book travel arrangements that fall with the parameters of the travel itinerary.

Delorme discloses a comprehensive travel planning service that can handle immediate requests from travelers en route or at remote locations, as well as contemplative advanced planning information (col. 11, lines 40-49), as well as optional waypoints and events or points of interest (col. 17, lines 14-43). The invention also can provide services via one or more distributed travel information kiosk terminals (col. 15, lines 14-32).

The Examiner takes Official Notice that one of ordinary skill in the art would have to make a determination as to where to place the kiosks and that one of ordinary skill in the art would place the kiosk where they are most visible and provide the most use to the traveler. Furthermore, one of ordinary skill in the art would store information of where these kiosks are installed or inherently have this information since the kiosk terminals are connected with the central server (col. 14, line 66 thru col. 15, line 1; col. 15, lines 22-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the travel reservation system and method of DeLorme kiosks provided along travel routes and the ability to provide information as to the locations of these kiosks upon request of a traveler so as to immediately provide assistance to travelers and services to the traveler en route.

Furthermore, as for the method, the fact that the memory stores location information and provides this information upon confirmation that the user is a member is determined to be non-functional descriptive data that is not functionally interrelated to the structure or method and adds little, if anything to the claimed structure or method and thus does not serve as a limitation on the claims to distinguish over the prior art (See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). Thus, the type of information that the terminal provides does not distinguish the invention over the prior art.

As for the system, the system must be distinguished from the prior art in terms of structure rather than function. The Examiner has reason to believe that the system of DeLorme is fully capable of storing information about the position of the information providing terminals.

Referring to Claim 2:

DeLorme discloses wherein the information on the home of the member is stored in the memory; and the home of the member is set as a starting point on a route prepared by the controller as part of the travel information to be provided (col. 37, lines 10-20; col., 17, lines 44-49; col. 34, lines 26-56).

Referring to Claim 3:

DeLorme discloses the input/output interface receives key information for specifying information requested by the member from the user terminal (Figure 1a, col. 6, line 55 thru col. 7, line 1), and

the controller prepares the travel information based on the key information (col. 60, line 38 thru col. 26; col. 63, lines 37-43).

Referring to Claim 4:

DeLorme discloses wherein the key information is information on accommodation facilities and the controller selects accommodation facilities as part of the travel information to be provided (col. 8, lines 45-48).

Referring to Claim 5:

DeLorme discloses the key information is information on tourist facilities and the controller selects tourist facilities as part of the travel information to be provided (col. 8, lines 45-48; col. 41, lines 6-66 Events of Interest).

Referring to Claim 6:

DeLorme discloses wherein the input/output interface receives a destination of the user input through the user terminal, and the controller prepares information on a route from a starting point to a destination as part of the travel information to be provided (Figure 1a, col. 6, lines 8-46; col. 10, line 59 thru col. 11, line 2; col. 34, lines 45-56; col. 34, lines 26 thru col. 36, line 25).

Referring to Claim 7:

DeLorme discloses wherein the information on the route includes at least one of information on an entire route and information on particular areas along the route (col. 9, lines 3-18; col. 9, lines 19-64).

Referring to Claim 8:

DeLorme discloses wherein the controller prepares, upon confirmation that the member is registered, the travel information so as to include route information and information on locations of service providing facilities which are adjacent to the route and which are exclusively available to the member who has been identified based on the member information stored in the memory (Figure 2, Register Now, Figure 6, Figure 8a, Figure 8b, Figure 9A, col. 21, lines 27-52, col. 22, lines 38-61, col. 34, lines 24-56).

Referring to Claim 9:

DeLorme discloses a terminal that displays the travel information (Figure 1a (111 and 121, Figure 9B (907).

Referring to Claim 10:

DeLorme a medium that stores the travel information and a terminal that reads the travel information stored on the medium and displays the travel information (col. 7, lines 22-34, col. 13, line 31 thru col. 17, line 13).

Response to Arguments

Applicant's arguments filed on April 27, 2006 have been fully considered but they are not persuasive.

The applicant argues that DeLorme does not disclose preparing the travel information based on the information input by the member ***and purchase records***. The Examiner asserts that DeLorme does prepare travel information based on the information input by the member and directs the applicant to the discussion in the rejection of the claims. As for the travel information being based on the purchase records, this limitation is a newly added limitation for which the Examiner has provided a new prior art rejection. Therefore, applicant's arguments with respect to these limitations have been considered but are moot in view of the new ground(s) of rejection.

As for the applicant's argument that DeLorme fails to provide information on locations of information providing terminals which are installed adjacent to a route the Examiner directs the applicant to the Examiner's discussion above.

The applicant argues that the information provided about the information terminals is not non-functional descriptive data. The Examiner respectfully disagrees with this assertion. The applicant is simply providing information from a storage or database upon confirmation that the user is a registered user. Nothing is being done with this information in later steps of the method. The information is simply provided for the user to read and see. Thus, the subjective interpretation of the data does not patentably distinguish the claimed invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

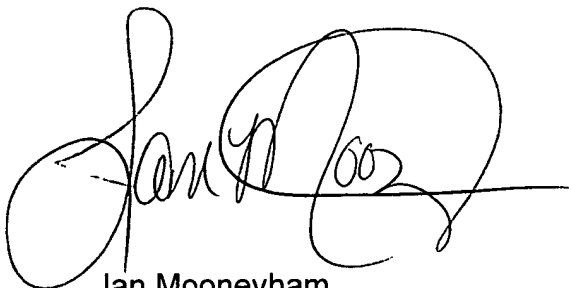
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Jan Mooneyham', with a large, stylized loop at the end.

Jan Mooneyham
Patent Examiner
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